

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LYWAYNE SCOTT,

Defendant.

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Case No. S1-4:09CR0173 CAS/TCM

**ORDER**

This matter is before the court on Defendant's Motion for extension of time within which to file motions and for continuance of the pretrial motion hearing [Doc. 40].

For the reasons set out in Defendant's motion, the Court finds that to deny Defendant's request for such additional time would deny counsel for Defendant the reasonable time necessary for effective investigation and preparation of pretrial motions, taking into account the exercise of due diligence, 18 U.S.C. § 3161(h)(7)(B)(iv), and that the ends of justice served by granting Defendant's request for additional time outweigh the best interest of the public and Defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A) Therefore, the time granted to Defendant to investigate and prepare pretrial motions, or a waiver thereof, is excluded from computation of Defendant's right to a speedy trial pursuant to 18 U.S.C. § 3161(h)(7)(A).

Accordingly,

**IT IS HEREBY ORDERED** that Defendant's Motion for extension of time within which to file motions and for continuance of the pretrial motion hearing [Doc. 40] is **GRANTED**.

**IT IS FURTHER ORDERED** that Defendant shall have until July 20, 2009, to file any pretrial motions or waiver of motions. The government shall have until July 22, 2009, to respond.

**IT IS FURTHER ORDERED** that the Evidentiary/Waiver Hearing presently set for July 10, 2009, is continued and rescheduled for July 24, 2009, at 9:00 a.m. Defendant and counsel for both parties are required to attend.

/s/Thomas C. Mummert, III  
THOMAS C. MUMMERT, III  
UNITED STATES MAGISTRATE JUDGE

Dated this 7th day of July, 2009.